

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 228

HOUSE BILL 2090

AN ACT

AMENDING SECTION 25-213, ARIZONA REVISED STATUTES; RELATING TO PROPERTY RIGHTS AND CONTRACT POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-213, Arizona Revised Statutes, is amended to
3 read:

4 25-213. Separate property

5 A. A spouse's real and personal property that is owned by that spouse
6 before marriage and that is acquired by that spouse during the marriage by
7 gift, devise or descent, and the increase, rents, issues and profits of that
8 property, is the separate property of that spouse.

9 B. Property that is acquired by a spouse after service of a petition
10 for dissolution of marriage, legal separation or annulment is also the
11 separate property of that spouse if the petition results in a decree of
12 dissolution of marriage, legal separation or annulment.

13 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION AND SECTION 25-214,
14 SUBSECTION C, A MORTGAGE OR DEED OF TRUST EXECUTED BY A SPOUSE WHO ACQUIRES
15 THE REAL PROPERTY ENCUMBERED BY THAT MORTGAGE OR DEED OF TRUST AFTER SERVICE
16 OF A PETITION FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION OR ANNULMENT
17 SHALL BE ENFORCEABLE AGAINST THE REAL PROPERTY IF THE PETITION DOES NOT
18 RESULT IN A DECREE OF DISSOLUTION OF MARRIAGE, LEGAL SEPARATION OR ANNULMENT.

APPROVED BY THE GOVERNOR MAY 14, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2004.